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Chairman: Mr. Butagira ..... (Uganda)
later: Ms. Carvalho (Vice-Chairman) ..... (Portugal)

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* Items which the Committee has decided to consider together.

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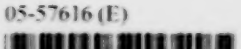

The meeting was called to order at 10.15 a.m.

Agenda item 71: Human rights questions (*continued*) (A/60/40, 44, 129, 336, 392 and 408)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/60/134, 266, 272, 286, 299, 301 and Add.1, 305, 321, 326, 333, 338 and Corr.1, 339 and Corr.1, 340, 348, 350, 353, 357, 374, 384, 392, 399 and 431)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/60/221, 271, 306, 324, 349, 354, 356, 359, 367, 370, 395 and 422; A/C.3/60/2)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/60/36 and 343)

1. **Mr. Pak Tok** Hun (Democratic People's Republic of Korea) reaffirmed that his Government totally rejected the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/60/306) and Commission on Human Rights resolution 2005/11, both of which contained distortions and fabrications provided by NGOs. Both the report and the resolution were attempts by the Government of the United States to use human rights as a pretext for illegally overthrowing his Government and subverting the country's socialist system. To that end, the United States had embarked upon worldwide campaigns to mislead the public by labelling his country as part of an "axis of evil" and an outpost of tyranny. It was an extremely important human rights issue for the Democratic People's Republic of Korea to safeguard its national sovereignty and to protect its people from an armed invasion by the United States. He regretted that the European Union, in its resolution, had decided to join the confrontational stance of the United States.

2. His Government responded to goodwill in kind. For example, in 2004 it had invited a delegation from the Committee on the Rights of the Child to visit the country. However, it also responded in kind to confrontation and had therefore refused to allow the visit by the Special Rapporteur. While his country valued dialogue and cooperation, it could not condone any attempts to infringe its sovereignty and neither would any other Member State. The European Union should appreciate the gravity of the situation and act with good sense.

3. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that the information provided by the Special Rapporteur in his report (A/60/306) had been provided by NGOs and that the Special Rapporteur had not visited the country himself. She questioned whether such information was reliable and said that her Government rejected any attempts to use human rights as a mechanism for putting pressure on States.

4. **Mr. La** Yifan (China) said that he was aware of the Special Rapporteur's efforts to strike a balance between the challenges presented by the situation in the Democratic People's Republic of Korea and the progress that it had made in the area of economic and legal reform. It was not the fault of the Special Rapporteur that he had not been allowed to visit that country. However, problems had arisen as a result of the selectivity, partiality and double standards of the Commission on Human Rights. His delegation hoped that there would be a relaxation of tensions and a strengthening of mutual trust and confidence in the region.

5. **Mr. Muntarbhorn** (Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea), replying to questions raised at the previous meeting, said that the main concerns in the Democratic People's Republic of Korea were related to food shortages and refugees leaving the country. He therefore urged the authorities of the Democratic People's Republic of Korea to show flexibility by allowing food aid into the country and the continued presence of humanitarian agencies there. He also invited all countries to take a humanitarian approach to refugees from that country, many of whom were women. They should be treated not as illegal immigrants but rather as victims subject to the principle of non-refoulement. He recalled that the Democratic People's Republic of Korea was a party to four human rights treaties, whose implementation would solve many of the current problems.

6. He hoped that the Democratic People's Republic of Korea would extend further invitations to the Committee on the Rights of the Child and other relevant human rights bodies. He also hoped to receive an invitation himself, as someone who could help to

promote and protect human rights in a fair, balanced and objective manner. His report was based not solely on information provided by NGOs but rather on a variety of sources, including United Nations agencies, Governments and civil society. Moreover, as an independent official, he made his own assessment of the various findings of NGOs.

7. He had continued to seek a dialogue with the Democratic People's Republic of Korea since his mandate had been created. To that end, he had sent its Government a copy of his draft report with a request for comments, which had gone unanswered. He continued to endeavour to fulfil his mandate through independent, courteous and constructive work. To support his role, Member States should implement the various recommendations contained in his report (A/60/306).

8. The right to freedom of expression and religion was a test of a country's degree of political liberalization. While the authorities of the Democratic People's Republic of Korea claimed that such freedoms existed in the country, reports indicated that those freedoms were still being repressed.

9. His recommendation that the granting of asylum to those leaving the Democratic People's Republic of Korea should not be regarded as an unfriendly act was based mainly on the Universal Declaration of Human Rights. Consequently, a country of origin should desist from criticizing countries which offered humanitarian assistance to its refugees.

10. The main difficulty of his work stemmed from the lack of access provided by the authorities of the Democratic People's Republic of Korea, which had declined to accept his mandate. He urged those countries feeling the consequences of the situation in that country to help him discharge his mandate. The reform of the United Nations, including the establishment of the new Human Rights Council, provided an opportunity to strengthen the special procedures and the emphasis should be on the totality of rights in a broader perspective.

11. **Mr. Bustamante** (Special Rapporteur on the human rights of migrants), introducing his interim report (A/60/357), said that, despite its obvious human rights dimension, migration was regarded mainly as an issue of border control. When, however, the very lives of migrants were in jeopardy, the main concern had to be with the human rights of migrants and not with policies for the containment of migration. Migration policies needed to embrace all aspects of the phenomenon. The human rights perspective that he would be seeking to promote in his new capacity as Special Rapporteur would be sustained by the recent entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which he urged Member States to ratify. In the discharge of his mandate he would submit thematic reports to the Commission on Human Rights. He would focus on the relationship between the reluctance of host countries to recognize their demand for the labour of immigrants and violations of immigrants' human rights; he would highlight the shared responsibility of host countries and countries of origin. On the basis of country visits, he would identify best practices, having regard to the challenges, and make recommendations.

12. Referring to the Global Commission on International Migration, set up in 2003 by the Secretary-General and a number of Governments, he said he valued its support, but regretted that in its recently published report it had not recommended ratification of the aforementioned Convention. Its recommendations would contribute to the international debate on migration that would culminate in 2006 in the high-level segment of the General Assembly on migration and development, in which he intended to play an active part.

13. **Mr. Hussain** (Pakistan) asked the Special Rapporteur if he could expand his work on migrants to include issues relating to gender-based violence, violence against children and family reunification. He would also appreciate knowing his first thoughts on the issue of discrimination, with particular reference to the role of attitudes and legal provisions in allowing migrants to enjoy their human rights.

14. **Mr. Cardoso** (Brazil) requested the Special Rapporteur to elaborate on the concept of vulnerability set out in paragraph 5 of his report and to speak about the distinction between nationals and non-nationals in the context of article 2 of the International Covenant on Civil and Political Rights, which guaranteed those rights without distinction to all individuals present in a country.

15. **Ms. Olivera** (Mexico) welcomed the Special Rapporteur's intention to contribute actively to the high-level dialogue on migration and development,

noting the importance of a multidimensional approach to migration. She wondered whether he had already participated in the run-up to the dialogue, and asked how he envisaged his participation.

16. **Mr. Dixon** (United Kingdom), speaking on behalf of the European Union, inquired whether the Special Rapporteur's working methods would differ in any way from those of his predecessor. He asked him how he could help to ensure that security concerns were made compatible with human rights, alluding in particular to the possible identification of best practices in response to the smuggling of migrants. He would also be grateful if the Special Rapporteur could speak in greater detail about the relationship between migration, development and human rights.

17. **Mr. Al-Enezi** (Kuwait) echoed the question raised by the representative of Brazil regarding the distinction between nationals and non-nationals. As Kuwait was a host country for migrants, he questioned the hypothesis set out in the Special Rapporteur's report (ibid., para. 10) that the demand for the employment of migrants was not publicly recognized. Such generalizations could have a negative impact on future reports.

18. **Mr. Bustamante** (Special Rapporteur on the human rights of migrants) assured the representative of Pakistan that the issues he had raised would certainly be among his concerns. In reply to the representative of Brazil, he said that there was an apparent contradiction between the sovereign right of States to define who were and who were not nationals and their undertaking to respect the human rights of everyone in their territory without distinction. He would seek in his reports to clarify in a dialectical manner the relationship between those two sovereign acts in the hope that countries would accord equal respect to migrants and citizens, for example by empowering migrants to participate in elections, as recommended by the European Union.

19. In response to the representative of Mexico, he expressed the hope that his participation in the high-level dialogue would allow him to learn from the experience of other countries, particularly in clarifying the concept of vulnerability as defined by the United Nations. He noted, with reference to the questions put by the United Kingdom representative, that there was a clear-cut link with the groups defined as vulnerable, namely, women and children. On the question raised by the representative of Kuwait, he said that the apparent contradiction between the aforementioned two sovereign rights of States disappeared as soon as an effort was made to integrate migrants, noting that countries followed different practices in that respect.

20. **Mr. Dugard** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967), introducing his report (A/60/271), said that the Israeli Government was to be congratulated on its decision to withdraw from Gaza. However, while Gaza was no longer colonized by Israeli settlers, its borders, territorial sea and airspace were still controlled by Israel. The residents of Gaza were also denied free access to the West Bank and neighbouring countries and Israel strictly controlled the traffic of goods into and out of Gaza. Israel had subjected Gaza to intensive bombardment and sonic booms since the withdrawal of the settlers and had revived its practice of targeted killings of militants. Furthermore, over 650 Palestinian prisoners from Gaza were still detained in Israel jails.

21. In the light of those circumstances, Israel remained an occupying Power, subject to the obligations of international humanitarian law, including the obligation to promote the welfare of the people of Gaza and not to impede access to medical care and other resources.

22. The prediction in his report (ibid., para. 11) that Israel would drag out decisions on the future of Gaza to distract world attention from its territorial expansion in the West Bank through the construction of the wall and settlements had proven accurate. The wall, when completed, would run for over 700 kilometres, of which only 150 kilometres would run on the Green Line (the de facto border between Israel and the Occupied Palestinian Territory). The wall already penetrated deep into Palestinian territory and was set to include major Israeli settlement blocks that would divide Palestine into separate cantons and destroy the contiguity of its territory. It was estimated that some 10 per cent of Palestinian land would be included on the Israeli side of the wall. While Israel claimed that the wall was being constructed for security reasons, Israel's legitimate security concerns could have been met by constructing the wall along the Green Line.

23. The Israeli High Court had ruled that the construction of the wall within Palestinian territory was justified as a security measure. However, the flaw

in that ruling was that, while it accepted the right of Israel to protect its settlers, it carefully failed to deal with the question of whether their settlements were illegal. Article 49 (6) of the Fourth Geneva Convention prohibited such settlements, and the International Court of Justice had unanimously found them to be illegal. Israel's rationale for building the wall in the Occupied Palestinian Territory therefore had no legal basis. Prime Minister Sharon had acknowledged that the main settlement blocks in the West Bank would remain under Israeli sovereignty, which meant that the territory between the wall and the Green Line had been de facto annexed by Israel.

24. Israel was also using the wall to change the character of East Jerusalem, which it occupied illegally. The changes were aimed at, inter alia, reducing the number of Palestinians in the city, increasing the number of illegal Jewish settlers there, and transforming East Jerusalem into a Jewish city in order to undermine Palestinian claims to the city as the capital of a future Palestinian State.

25. While the wall and the occupation of the West Bank essentially served the interests of the Israeli settlers, they also inflicted serious human rights violations on Palestinians. The right of the Palestinian people to self-determination was being seriously undermined by the reduction and fragmentation of Palestinian territory. Palestinians living in the "closed zone" between the wall and the Green Line, and those living close to the wall, were subjected to a humiliating and discriminatory permit system which seriously impeded their freedom of movement. Checkpoints, closures and curfews were also seriously impeding the freedom of movement of Palestinians elsewhere. The personal freedom of Palestinians was endangered by large-scale arrests and detention, prison conditions were poor and allegations of torture continued. Approximately half of the Palestinian population lived below the official poverty line, and health care and education had deteriorated substantially. Homelessness resulting from military home demolitions, particularly in Gaza, was also pervasive.

26. In 2004 the International Court of Justice had given legal expression to the concerns of the international community about the treatment of Palestinians when it had ruled the partition wall to be illegal, settlements to be unlawful and many features of Israel's occupation practices to be contrary to humanitarian law and human rights law. He regretted that the international community's political organs had so far failed to convert that legal opinion into political action. Not only had the Security Council refused to endorse the Court's advisory opinion but also the Quartet, comprising the United Nations, the European Union, the United States and the Russian Federation, had failed to mention it in statements on the situation in the Occupied Palestinian Territory. It was hard to understand how the United Nations could be a party to statements which deliberately ignored the pronouncements of its own judicial body, as endorsed by the General Assembly. The United Nations should be actively engaged in implementing the advisory opinion, which represented the law of the United Nations.

27. **Mr. Israeli** (Israel) said that the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 was one-sided and that his report, like its predecessors, was marked by serious errors of omission and commission, as well as distortions of fact and law. It had been prepared before Israel's disengagement from the Gaza Strip and from four settlements in the West Bank and contained a number of alarmist predictions that had proved unfounded; that was because of the great care taken by Israel. The report contained a number of subjective interpretations, including a misreading of Israel's statement that, while it had relinquished any authority to operate militarily in the Gaza Strip, it reserved its right to act in self-defence.

28. The security fence had not been "marginally modified"; by the Special Rapporteur's own reckoning, there had been an 80-per-cent reduction in the number of Palestinians included within its route. The Special Rapporteur not only dismissed the road map adopted by the international community but also argued that it ran counter to international law. He also sought to undermine the principle of a two-State solution, speaking with approval of a proposal to establish a bi-national Palestinian State. Those working for peace knew that progress must be built on the fulfilment of obligations by both sides; for the Rapporteur there were only Palestinian rights and Israeli obligations.

29. The Special Rapporteur's omission of any mention of the involvement of the Islamic Republic of Iran in the area at a time when the President of that country had called for Israel to be "wiped off the map" was a further indication of the inadequacies of his reporting stance.

30. **Ms. Rasheed** (Observer for Palestine) asked what could be done to ensure that Israel did not follow through with its plans to demolish houses in the Silwan region in order to build a park. With respect to the construction of the wall, she wondered what steps could be taken to ensure that Israel complied with the advisory opinion of the International Court of Justice and that the international community fulfilled its obligations in compliance with the Fourth Geneva Convention. She hoped that the United Nations would take stronger action, particularly with respect to the Secretary-General's request to establish a register of damage caused to all natural or legal persons who had suffered as a result of the construction of the wall, in accordance with resolution ES/10-15.

31. She condemned Israel's practice of attacking United Nations officials who were simply carrying out their mandates. If Israel ended the occupation, there would be no human rights violations and no need for a Special Rapporteur.

32. **Ms. Fountain** (United States of America) objected to the Special Rapporteur's report (A/60/271) as being one-sided and failing to address the broad context of the conflict as well as the obligations of both sides. Her delegation had long opposed such one-sided reports and related General Assembly resolutions because they addressed final-status issues that the Israelis and Palestinians had agreed to decide through negotiations; advocated activities that were incompatible with the basic principles of the Middle East peace process; and expended resources that could be used in more productive ways to improve the lives of the Palestinian people. Her delegation particularly objected to the criticism of the Quartet's efforts to facilitate a two-State solution and felt that such criticism undermined the United Nations role as part of that Quartet.

33. **Mr. Saeed** (Sudan) asked what measures could be taken to compel Israel to respect the advisory opinion of the International Court and discontinue the building of the wall. His delegation wondered how the United Nations could be party to negotiations which contradicted a decision of its own legal body.

34. The withdrawal from Gaza was being carried out in such a manner that it actually added to the suffering of the Palestinian people. His delegation called upon Israel to cease building the wall and urged the international community to be more neutral in its consideration of human rights.

35. **Mr. Hyassat** (Jordan) inquired about the opinion of the Special Rapporteur on the applicability of international human rights laws with respect to Israel's withdrawal from Gaza.

36. **Ms. Khalil** (Egypt) said that the only solution was for Israel to make a full withdrawal from the Occupied Palestinian Territory. She wished to know if the Special Rapporteur could propose any specific and immediate measures to improve the human rights of the Palestinian people.

37. **Ms. Warif-Halabi** (Syrian Arab Republic) urged the international community to pressure Israel to put an end to human rights violations in the Occupied Palestinian Territory.

38. **Mr. Dixon** (United Kingdom), speaking on behalf of the European Union, asked whether the Special Rapporteur saw any opportunity for improvement in the human rights crisis in Gaza. He also requested details regarding the detention conditions of the 8,000 Palestinian prisoners being held in Israeli jails. He wondered how many claims had been filed against the Israel Defense Forces for allegedly inflicting physical harm in military detention centres and whether the allegedly guilty parties were actually being prosecuted. He also wondered whether any progress had been made with respect to the registration of damage caused by the construction of the wall. He also asked whether the Special Rapporteur had had any discussions with the Palestinian Authority regarding the execution of Palestinian prisoners.

39. **Mr. Abuseif** (Libyan Arab Jamahiriya) said that the Israeli occupation had resulted in continued human rights violations and that the international community had made very little effort to compel Israel to fulfil its obligations. Furthermore, it appeared that the Quartet preferred to negotiate the road map directly with Israel, without taking into account the advisory opinion of the Court.

40. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her delegation firmly supported the principles of non-intervention and self-determination. Given the close relationship between human rights and the right to access to natural resources, she wished to have more information on the wall's impact on the Palestinians' access to water.

41. **Mr. Amorós Núñez** (Cuba) asked the Special Rapporteur to explain how the United Nations could compel Israel to comply with the advisory opinion of the Court and wondered whether other organizations should become involved.

42. **Mr. La** Yifan (China) asked the Special Rapporteur to elaborate on his contact with civil-society organizations.

43. **Mr. Dugard** (Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967), said that, concerning input from civil society, he had received excellent cooperation from international as well as Palestinian and Israeli non-governmental organizations. Indeed, much of the information from Israeli NGOs had greatly helped him to compile his report.

44. Regarding the demolition of houses in East Jerusalem in the Silwan region (A/60/271, para. 31), he said that he had visited those houses and that legal proceedings had been launched to stop the demolition. Concerning the failure of the Israeli Government to heed the advisory opinion of the International Court of Justice on the construction of the wall and the steps taken to remedy the resulting damage, including the establishment of a register to record that damage, such a register took time to compile. The budgetary implications and structure of the register were still under consideration. It seemed, however, that the United Nations had been moving slowly and that the establishment of a register had stalled within the United Nations bureaucracy. He regretted that the matter had not been made a more urgent priority. To advance the advisory opinion, the Security Council, like the General Assembly, should make it clear that it had accepted that opinion. The Quartet should also do more to promote the Court's findings. To date, it had simply ignored the opinion and put little emphasis on the illegality of the wall and the expansion of settlements. Civil society had played an active role in opposing the wall and required increased support from the United Nations acting through the Quartet.

45. The discontinuation of construction of the wall and destruction of the parts that had already been built would dramatically improve the humanitarian situation of Palestinians living in the closed zone between the wall and the Green Line and its vicinity, as the wall had infringed upon their basic freedoms. Of serious concern were the obstacles to the freedom of movement that had been placed in the West Bank. Although there had been a decrease in the number of checkpoints, there remained random checkpoints, curfews and other forms of closure which greatly affected the economy and contributed to the humanitarian crisis in the region. The Israeli Government and the Quartet must therefore address the issue more positively.

46. Concerning the responsibilities of the Israeli authorities in Gaza, the withdrawal had changed their obligations. Nevertheless, they were still under the obligation to ensure the welfare of the inhabitants. Israeli efforts to obstruct the movement of goods in and out of Gaza, limit access to health care and other services and imprison the Palestinian people were undermining their welfare. On the issue of access to water resources, many wells were in the "closed zone" between the wall and the Green Line. In Gaza, although in the past there had been many complaints of water being exported, Palestinians now had access to those resources.

47. Turning to the conditions of some 8,000 Palestinians in Israeli prisons, he said he regretted that the Israeli Government had not been prepared to speak to him about his mandate. He therefore had had to rely on NGOs and other interlocutors, who had informed him of poor prison conditions and allegations of torture. He would have liked to discuss such allegations with the Israeli authorities themselves. Although he had been unable to gain first-hand knowledge of prison conditions, the reports of abuse of Palestinian prisoners were disturbing. In addition, he did not have access to Israeli information on the exact number of injury claims filed against the Israeli Government before the courts. Furthermore, the Israeli authorities had taken very few steps to prosecute those accused of causing death or serious injury to Palestinians.

48. Regarding the death penalty, although such a human rights violation did not fall within his mandate, he felt compelled as a human rights lawyer to draw attention to the execution of criminals by the Palestinian Authority, and called on it to desist from such a practice. The degree of civilization of a country could be measured by its attitude towards the death penalty.

49. In a brief and unsubstantiated statement, the United States had accused him of being one-sided and

of attempting to undermine the activities of the Quartet. He would like to know the attitude of the United States towards compliance with the advisory opinion of the International Court of Justice, as many in the international community feared that the Quartet's failure to attempt to implement the opinion stemmed from the lack of enthusiasm for it by the United States, which dictated its views to the European Union, the United Nations and the Russian Federation.

50. The Israeli delegation had accused him of misusing his position to promote his personal prejudices and agenda. He admitted that he was indeed motivated by a personal prejudice: respect for human rights and international humanitarian law in the region. Like the Israeli Government, his political agenda involved seeing two States living in peace and security in the region. There was disagreement, however, on how that agenda might be achieved.

51. The continued construction of the wall, expansion of settlements and changes to the character of Jerusalem had serious implications for a two-State solution, as they undermined the possibility for Palestinians to build a viable State. The Israeli authorities should give consideration to the ongoing discussion among Israeli authorities concerning the matter.

52. Lastly, it was a gross distortion to link his report with the statement made by the Iranian President concerning the destruction of the State of Israel, and he deserved an apology for such an accusation. He had also been accused of being soft on or justifying terrorism. As someone who had grown up in apartheid South Africa, he was accustomed to such allegations, as human rights activists had been regularly accused of being either communists or terrorists. To support human rights and respect for international humanitarian law was not to support terrorism. To suggest otherwise, however, could destroy the message of the messenger. He therefore hoped that members would disregard such comments by the Israeli delegation.

53. *Ms. Carvalho (Portugal), Vice-Chairman, took the Chair.*

54. **Mr. Kälin** (Representative of the Secretary-General on the human rights of internally displaced persons), introducing his report (A/60/338), said that his activities were based on the Guiding Principles on Internal Displacement, which clearly underlined that States had the primary duty to provide protection and assistance to internally displaced persons. He welcomed the resolve of Member States to take measures to increase the protection of internally displaced persons as expressed in the outcome document of the 2005 World Summit. Such measures would include implementing the Guiding Principles at the domestic level and incorporating their content into national laws and policies. Regional organizations played an important role in that respect. Particularly encouraging was the ongoing work on strengthening the legal frameworks for the protection of internally displaced persons in the Great Lakes region, the African Union and the Council of Europe as well as the discussions undertaken by the Economic Community of West African States and the Southern African Development Community. He also commended the various countries that had undertaken steps to incorporate the Guiding Principles into their national legislation and policies, or which were currently in the process of doing so, such as Turkey, Nigeria and Nepal.

55. Despite all efforts, however, the previous year had not seen a substantial reduction of conflict-induced internally displaced persons. Darfur, in the Sudan, had been highlighted in the news media and was reported to have more than 2 million internally displaced persons and northern Uganda up to 1.5 million. There were many other situations, however, that tended to be overlooked such as in Nepal, with an incipient displacement problem, or in the Balkans, the southern Caucasus or Peru, where persons displaced for a long time ago tended to be forgotten.

56. The international community had become increasingly aware of the protection needs of the millions of human beings displaced by natural disasters. Whereas the international community has been slow to recognize those people as internally displaced persons, there was an emerging acknowledgement that their human rights might be jeopardized and that their protection needs were long-term.

57. The previous year had also shown that even development activities such as town planning and slum rehabilitation might lead to displacement and ensuing human rights problems if not properly undertaken. Events in cities such as Harare demonstrated that, while it might be legitimate and often necessary to upgrade dilapidated urban spaces, it was of utmost

importance to use modalities that respected human rights. He reiterated his willingness to assist Governments in that respect.

58. The previous months had also shown several changes in the humanitarian response landscape, which should be of advantage for the assistance and protection of internally displaced persons. The cluster approach recently adopted by the Inter-Agency Standing Committee should help to fill the various gaps that had been identified in the Humanitarian Response Review (A/60/338, para. 61).

59. His activities had focused on dialogue with Governments and other actors on how best to improve the protection of the rights of internally displaced persons as well as to mainstream their human rights within the United Nations system. He mentioned his missions and working visits to Bosnia, Croatia, Nepal, Serbia and Montenegro, including Kosovo, southern Sudan, Turkey and the regions affected by the 2004 tsunamis. He was in contact with the relevant authorities to travel to Azerbaijan, Colombia, the Democratic Republic of the Congo, Maldives and Nigeria in the coming year, and possibly West Africa. To date, his dialogue efforts had been welcomed.

60. He had consistently tried to involve the United Nations system in the preparation of and follow-up to his missions and country visits, including the Office of the High Commissioner for Human Rights, the Office for the Coordination of Humanitarian Affairs, in particular its Internal Displacement Division, the Office of the United Nations High Commissioner for Refugees, United Nations country teams and field presences. He also attached importance to dialogue with donors.

61. He highlighted some of the recommendations put forward during his missions and dialogues with the countries. With regard to Nepal, he had urged the Government and its forces, as well as the Maoist Communist Party of Nepal, to respect international human rights and humanitarian law, so that people were no longer forced to leave their homes in search of peace and security. He called on the Government to acknowledge its primary responsibility for protecting and assisting displaced persons inside Nepal. He also welcomed the efforts undertaken by the United Nations country team to address the plight of internally displaced persons in its recently launched consolidate appeals process. A humanitarian crisis could be avoided if the international community acted decisively.

62. Regarding Croatia, Bosnia and Herzegovina and Serbia and Montenegro, a concerted and quick effort was needed so that durable solutions could be found for the most vulnerable (ibid., paras. 26 and 27). It was incomprehensible that their situation had not yet been resolved. While many internally displaced persons in Bosnia and Herzegovina had been able to return to their places of origin, it was of the utmost importance to address the many obstacles that affected the sustainability of return, many of which had their roots in the disregard for the human rights of returnees as well as the continued impunity for those responsible for war crimes and crimes against humanity. A vigorous implementation of the Declaration on the return of refugees in the region, adopted by the Regional Ministerial Conference held in Sarajevo in January 2005, would also help to solve the problems of internally displaced persons. He called on the authorities concerned as well as the international community to ensure that, whatever the outcome of the status discussions on Kosovo or of the possible referendum on the future of Montenegro, the rights of internally displaced persons, including the citizenship rights of those among them who were not properly registered, were carefully safeguarded.

63. During his mission to southern Sudan, he found that much more must be done to assist the internally displaced persons in returning to their homes. The Sudanese authorities concerned, including the government of southern Sudan, the international agencies and the donors, must act immediately and massively expand their presence in all parts of the south, provide the necessary relief and protection and start to reconstruct the infrastructure. Without such action, a fully-fledged humanitarian crisis was possible. He also encouraged the authorities concerned, particularly in the state of Khartoum, to abstain from measures of relocation that would prematurely trigger returns to southern Sudan before it was in a position to receive large numbers of returnees in a manner consistent with their rights.

64. The effectiveness of the new humanitarian architecture remained to be proved. Timely implementation of the cluster approach, the allocation of appropriate resources together with rapid decisions concerning which countries should be the pilots for that approach would give the international community

the means to assess whether internally displaced persons would indeed be better protected and assisted. Achieving the full integration of a rights-based approach into the work of the relevant United Nations agencies and partners entailed changing certain operational and donor mindsets, and therefore constituted a further challenge. Concerning persons internally displaced by natural disasters, there was also a need for conceptual clarification concerning their assistance and protection needs.

65. **Ms. Adjalova** (Azerbaijan) said that her Government stood ready to support fully the work of the Representative. She highlighted the importance of his recommendations, particularly concerning efforts to increase the effectiveness of institutional responses within the United Nations system. There was a need to establish mechanisms for a comprehensive and clear division of responsibilities to ensure system-wide action and coordination on the ground while strengthening the capacity of United Nations country teams. United Nations agencies must enhance their cooperation to address the existing gaps in the international response.

66. Although States bore primary responsibility for the situation of internally displaced persons, the international community also must act when national authorities sought support, particularly in instances of massive displacement. She would welcome further information on the revised United Nations collaborative approach, particularly whether the cluster approach would encompass all situations involving internally displaced persons, including protracted massive displacement, or focus primarily on fresh emergencies such as those stemming from natural disasters.

67. **Mr. Bhurtel** (Nepal) said that the issue of the internally displaced persons in Nepal must be seen in the context of the ongoing conflict. It had been difficult to determine the exact number of displaced people because of the lack of a proper registration system and the unwillingness of displaced persons to come forward out of fear of reprisal and other reasons. People had left their homes without informing the Government. The problem of displacement was expected to have serious repercussions on the social and economic structure. Current challenges included the provision of income-generating schemes for households run by widows, proper care for the injured, relief for those whose property had been confiscated or damaged and temporary shelter.

68. In the short term, there was a need for financial and medical assistance and food packages. In the long term, assistance was needed for construction, job creation and the promotion of political rights such as the right to free and fair elections. There was also a need to distinguish between persons forcibly displaced by conflict and those who had migrated voluntarily for economic or other reasons. His Government had developed a comprehensive policy which gave due consideration to the Guiding Principles on Internal Displacement and was awaiting the comments of all the stakeholders concerned. The policy included the identification of the displaced persons; awarding of citizenship and passports; legal mechanisms for providing electoral rights; modalities for relief packages; literacy, health and awareness-raising campaigns; vocational training; and compensation to victims.

69. With respect to the concerns expressed by the Representative concerning vigilante or self-defence groups, his Government had no policy to promote or encourage vigilantism. His Government was committed to the protection of internally displaced persons. Because of resource constraints, however, Nepal required the assistance of the international community in efforts to improve the lives of its people.

70. **Mr. Aksen** (Turkey) said that the visit by the Representative had provided an opportunity to observe first-hand the constructive work done by his Government in cooperation with civil society and the relevant international partners to address the issue of internal displacement, whose root cause had been the scourge of terrorism. Concerning the recommendation contained in his report (A/60/338, para. 65 (c)), his Government had elaborated an integrated strategy based on the Guiding Principles on Internal Displacement. A new unit would be established within the Ministry of the Interior with exclusive responsibility for the implementation and coordination of the strategy. In addition to a study on the migrant and internally displaced population in Turkey, his Government was working in close cooperation with the United Nations Development Programme to establish a national programme on internally displaced persons.

71. **Ms. Tchitanava** (Georgia) said that the issues related to internally displaced persons were particularly

acute for Georgia. The secessionist regimes in Abkhazia and the Tskhinvali region of south Ossetia had seized the territories of those regions and carried out ethnic cleansing and genocide, forcing 250,000 Georgian survivors from their birthplaces. Other nationalities, including Russians, Armenians, Greeks and Estonians, had also been forced to flee their homes, as they escaped the torture and brutality systematically carried out by the Abkhaz authorities.

72. The report of the Secretary-General on the situation in Abkhazia, Georgia (S/2005/257) indicated that the number of internally displaced persons from Abkhazia had decreased. That decrease was largely the result, however, of the natural death of those people. None of the efforts of the Security Council, the Group of Friends of Georgia and others concerned had had any effect. The Abkhaz authorities were still hindering any progress. For its part, her Government had adopted legislation to improve the conditions of the internally displaced persons.

73. Abkhaz authorities were stubbornly refusing to allow operation of a human rights office in Gali sponsored by the United Nations and the Organization for Security and Cooperation in Europe. Her delegation was concerned about the worsening situation in the field, as indicated by the Secretary-General's report. Yet another problem, which should be qualified as cultural genocide, was the issue of banning instruction in the Georgian language in Gali schools. The entire school curriculum was taught in Russian and teachers who had dared to instruct in Georgian had been dismissed.

74. Her delegation invited the Representative to visit Georgia and examine the situation of internally displaced persons. She called for strong action by the United Nations and other international organizations to create circumstances for the prompt, safe and dignified return of refugees and internally displaced persons to their places of origin in Abkhazia and the Tskhinvali region.

The meeting rose at 1.10 p.m.